

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH S. LISKOWYCZ, JR.,)	
)	Civil Action
Plaintiff)	No. 2013-cv-04510
)	
vs.)	
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant)	
)	
SOCIAL SECURITY ADMINISTRATION)	
)	
Interested Party)	

O R D E R

NOW, this 16th day of March, 2015, upon consideration
of the following documents:

- (1) Decision of Administrative Law Judge Jay Marku dated March 16, 2012;
- (2) Complaint filed August 21, 2013;
- (3) Answer filed November 21, 2013;
- (4) Plaintiff's Brief and Statement of Issues in Support of Request for Review, which brief and statement of issues was filed February 10, 2014;
- (5) Defendant's Response to Request for Review of Plaintiff, which response was filed March 14, 2014;
- (6) Plaintiff's Reply Brief filed March 24, 2014;
and
- (7) Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated and filed August 26, 2014 ("R&R");

after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Perkin's Report and Recommendation; it further appearing that Magistrate Judge Perkin's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that Magistrate Judge Perkin's Report and Recommendation is approved and adopted.¹

IT IS FURTHER ORDERED that plaintiff's request for review is granted.

IT IS FURTHER ORDERED that plaintiff's request for remand is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiff Joseph S. Liskowycz, Jr., and against defendant

¹ At page 9 of 18 of the R&R, Magistrate Judge Perkin stated:

Dr. [Keshia] Wilford [, M.D., plaintiff's treating neurologist,] explained that Plaintiff was prescribed Dilantin and Keppra, and indicated that these medications have decreased seizure frequency. (Record at 628.) When asked whether "patient's blood levels of anticonvulsant medication have recently been at less than therapeutic levels," Dr. Wilford replied[,] "Dilantin level: 7 (unknown reason for subtherapeutic level).[" (Record at 628.) She did provide any further detail to explain why there may have been difficulty controlling Plaintiff's blood levels. (Record at 628.) However, Dr. Wilford stated that Plaintiff was compliant with his medications. (Record at 628.)

After discussing with Magistrate Judge Perkin what appears to be a typographical error in the second-last sentence of the quoted language ("She [Dr. Wilford] did provide any further detail to explain why there may have been difficulty controlling Plaintiff's blood levels. (Record at 628.)", I, with Judge Perkin's concurrence, interpreted this sentence as stating, "She did not provide any further detail to explain why there may have been difficulty controlling Plaintiff's blood levels. (Record at 628.)"

Carolyn W. Colvin, Acting Commissioner of the Social Security Administration.

IT IS FURTHER ORDERED that the decision of the Commissioner dated March 16, 2012 and affirmed by the Appeals Council on June 24, 2013 which denied benefits to plaintiff Joseph S. Liskowycz, Jr., is reversed.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g) this matter is remanded to the Commissioner for further proceedings in accordance with Magistrate Judge Perkin's Report and Recommendation.

IT IS FURTHER ORDERED that the Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge